IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.26994 of 2008
DEO NARAYAN MAHTO
Versus
STATE OF BIHAR
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4. 29.8.08 Heard Mr. Vikram Deo Singh for the petitioner, and Mr. Parmeshwar Mehta, learned A.P.P. It is a case of misuse of the privilege of bail. The sole petitioner seeks bail in K. Hat P.S. Case No. 246 of 1984 dated 19.12.1984 (S.T. No. 171 of 1990), registered under sections 323, 307, 333, 337, 426 of the Indian Penal Code and section 10(11) of the B.C. Home Guards Act. The petitioner's bail bonds were cancelled way back on 3.5.1986, because of misuse of the privilege of bail.

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While pressing this application learned counsel for the petitioner, he submits that the misuse of privilege of bail occurred not because of deliberate intention or refusal to appear in court, but because he was not aware of the on-going proceedings. He relies on the judgments reported in A.I.R. 1982 1463 (Free Legal Aid Committee Jamshedpur Vs. The State of Biahr) and 2006(2) P.L.J.R. 638 (Amrendra Verma Vs. The State of Bihar).

Learned Additional Public Prosecutor

opposes the application for bail and submits that the bail bonds of the petitioner were cancelled way back on 3.5.1986, and innumerable warrants of arrest were issued to him but he refused to respond to the same as a result of which the trial in relation to the petitioner could not register any progress since May 1986. He ultimately appeared on 16.5.2008, and has been taken into custody.

On a perusal of the materials on record and consideration of the submissions of learned counsel for the parties, it appears to me that it is a case of gross negligence and misuse of the privilege of bail. This is not a case in which the petitioner's misuse of privilege of the bail can be condoned. The application is accordingly rejected.

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(S. K. Katriar, J.)

Vinay/